

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

JOSEPH MASON, §
Plaintiff, §
§
v. § CIVIL ACTION NO.: 1:16-cv-00414
§
TEXAS SAN MARCOS TREATMENT §
CENTER, LP d/b/a SAN MARCOS TREATMENT §
CENTER §
Defendant §

PLAINTIFF'S ORIGINAL COMPLAINT

This is an action under Title VII of the Civil Rights Act of 1964, as amended, Title I of the Civil Rights Act of 1991 ("Title VII"), to correct unlawful employment practices on the basis of race, Black, and retaliation, and to provide appropriate relief to Joseph Mason who was adversely affected by such practices. Plaintiff, Joseph Mason, alleges that he was subjected to unlawful discrimination based on his race, Black, and retaliation when Defendant, Texas San Marcos Treatment Center, LP d/b/a San Marcos Treatment Center (hereinafter "the Center") subjected him to a hostile work environment and terminated him.

II. JURISDICTION AND VENUE

Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Western District of Texas, Austin Division.

III. PARTIES

1. Plaintiff, JOSEPH MASON is a former employee of the San Marcos Treatment Center, and is currently a resident of San Marcos, Hays County, Texas.
2. Defendant, **TEXAS SAN MARCOS TREATMENT CENTER, LP d/b/a SAN MARCOS TREATMENT CENTER**, is a domestic limited partnership and may be served with process by serving its registered agent for service of process CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas, 75201-3136.

IV. STATEMENT OF CLAIMS

3. Less than ninety days prior to the institution of this lawsuit, Joseph Mason received his Notice of Dismissal and Right to Sue letter on December 28, 2015, authorizing him to file a civil action in federal district court alleging violations of Title VII.

All conditions precedent to the institution of this lawsuit have been fulfilled.

4. Since on or about February 2014 through April 14, 2015, Defendant, Center has engaged in unlawful employment practices at its San Marcos, Texas facility, in violation of Sections 703(a)(1) and 704(a) of Title VII, 42 U.S.C. §§ 2000e-2(a) and 2000e-3(a). The unlawful practices under Title VII were to subject Plaintiff to a hostile work environment based on his race, Black, and to terminate him based on his race, black, and after he engaged in a protected activity.

EMPLOYMENT DISCRIMINATION UNDER TITLE VII

5. Mr. Mason, an African-American, is a former employee of the San Marcos Treatment Center where he worked as a mental health associate. Shortly after being transferred to the Sex Offender Unit in February 2014, Plaintiff became the subject of racial harassment and a hostile

work environment due to the clientele he worked with in the ward. The clients would often make offensive comments and racial slurs to African American employees; and they would also spit on the African-American employees. On December 1, 2014, Plaintiff made a complaint of racial discrimination to his supervisor, Shawn Waugh (White, Caucasian), but no actions were taken to stop the harassment.

Following this complaint Plaintiff joined a therapy group created for his unit that focused on the racial discrimination taking place in the ward. On March 21, 2015, Plaintiff and a white coworker conducted a search of two clients' room for contraband. One of the clients, a whit/Anglo male client, was belligerent and refused to follow directions to stand against the wall during the search. Instead, he was standing near the white coworker yelling threats. Plaintiff went to "redirect" the client to the wall next to the other client. The white client began berating Plaintiff with racial epithets and attacked Plaintiff. Plaintiff was forced to redirect the white client onto the client's bed, and with help of another employee, an African-American female, finally subdued the white client, although Plaintiff suffered injury to his body.

On April 2, 2015, Shawn terminated Plaintiff. The white male coworker who was in the room was not terminated or disciplined in any way for allowing the situation to escalate during the search which resulted in injury to Plaintiff. Shawn told Plaintiff the Center was trying to change "the culture" of the unit. Plaintiff has observed that African Americans workers employed at the San Marcos Treatment Center are slowly being phased out the workforce beginning in February 2014. Plaintiff believes this is what the Center is referring to by "changing the culture."

Plaintiff alleges he has been subjected to unlawful harassment based on his race, Black, and subjected to a hostile work environment, and when he complained of the harassment was

terminated due to his race, Black and in retaliation for filing an internal EEO complaint in violation of Title VII of the Civil Rights Act of 1964, as amended.

V. DAMAGES

6. Due to the violations of the aforementioned Acts, Plaintiff has suffered a loss of income in the past and a loss of income in the future. Plaintiff seeks damages in the form of front pay, back pay, as well as loss of any benefits which should have accrued to Plaintiff in the event of his selection to the higher position.
7. Plaintiff seeks reinstatement;
8. Plaintiff suffered humiliation and mental anguish with a consequential loss of the enjoyment of life and as result seeks compensatory damages in the maximum amount allowed by law.
9. Plaintiff further seeks all attorney's fees and costs associated with this litigation as provided for by each Act stated above and under 42 U.S.C. '1988.

VI. JURY DEMAND

10. Plaintiff, Joseph Mason, asserts his rights under Title VII of the Civil Rights Act of 1964 as amended in 1991 and 42 U.S.C. '1983 and makes a demand for jury trial.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the Defendant be cited to appear and answer herein and upon final hearing hereof, Plaintiff have judgment of and from the Defendant for all the damages in an amount in excess of the minimum jurisdictional limits of this Court, reasonable attorney's fees as allowed by statute, expenses and costs, together with costs of court, and pre-judgment and post judgment interest at the highest legal rate. Plaintiff further prays for any and all further relief to which he show himself to be justly entitled, either at law or in equity.

Respectfully submitted,

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By: /s/ R. Chris Pittard
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ATTORNEYS FOR PLAINTIFF
JOSEPH MASON

PLAINTIFF HEREBY DEMANDS TRIAL BY JURY